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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Santoro et al.

Application No.: 09/937,322

Filed: September 21, 2001

ATTN: Derek Woods

For: CHEMICAL COMPOUNDS AND THEIR USES

Attorney Docket No.: 10167-013-999

**COMMUNICATION REGARDING THE FILING OF PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT AND ACCOMPANYING DOCUMENTS**Assistant Commissioner for Patents  
Washington, D.C. 20231

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Sir:

MAR 07 2003

In a teleconference on March 7, 2003, Examiner Woods informed attorneys for Applicants that the United States Patent and Trademark Office ("USPTO") had no record in its files that the documents below had been filed on July 18, 2002 in the USPTO, in connection with the above-identified application:

PETITIONS OFFICE

- (1) a Petition to Withdraw Holding of Abandonment;
- (2) a copy of Notice of Abandonment (Exhibit A);
- (3) a copy of a Transmittal in Response to Notification of Missing Requirements (Exhibit B);
- (4) a copy of a Declaration for Non-Provisional Patent Application executed by Maria Gabriella Santoro;

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on March 7, 2003 to facsimile telephone number 703-308-6916.

  
Jennifer J. Chheda46,617  
(Reg. No.)



- (5) a copy of a Declaration for Non-Provisional Patent Application executed by Stanley Michael Roberts;
- (6) a copy of a Declaration for Non-Provisional Patent Application executed by Thierry Guyot;
- (7) a copy of a Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office;
- (8) a copy of a Pennie & Edmonds' log of Express Mail Certification for December 20, 2001;
- (9) a copy of a Post-Card Receipt, which on one side had an itemized list of the papers mailed on December 20, 2001, and Express Mail Label No. EL 477 033 139 US, which was returned to applicant's attorneys stamped received by the USPTO evidencing receipt by the USPTO of the above documents filed on December 20, 2001; and
- (10) a copy of a return postcard, which on one side had an itemized list of the papers mailed on July 18, 2002, and Express Mail Label No. EL 477 037 498 US.

Examiner Woods requested that Applicants send a copy of the above-identified documents (*i.e.*, documents (1) through (10)), along with evidence demonstrating that the documents had in fact been filed in the USPTO on July 18, 2002.

In response, Applicants have attached herewith, as Exhibit 1, a courtesy copy of each of the above-identified documents (*i.e.*, documents (1) through (10)) filed on July 18, 2002 in the USPTO using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EL 477 037 498

In support of the fact that documents (1) through (10) were deposited with the United States Postal Service on July 18, 2002 using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EL 477 037 498 US and thus, in accordance with 37 C.F.R. § 1.10(a) timely filed in the USPTO, enclosed herewith is a true



copy of Express Mail Label No. EL 477 037 498 US (attached hereto as Exhibit 2) showing the Post Office annotations "date-in" as July 18, 2002 and the "time-in" as 18:27. Also enclosed is a copy of a Post-Card Receipt which was returned to applicant's attorneys stamped received by the USPTO (attached hereto as Exhibit 3) evidencing receipt by the USPTO of the above listed documents.

As demonstrated by the above-mentioned facts and accompanying Exhibits, Applicants timely filed the Petition to Withdraw Holding of Abandonment on July 18, 2002 and timely and fully responded to the Notification of Missing Requirements 35 U.S.C. § 371 in the United States Designated/Elected Office mailed October 30, 2001. Accordingly, Applicants respectfully request that the USPTO correct its record to reflect the fact that Applicants timely filed the Petition to Withdraw Holding of Abandonment on July 18, 2002 and timely and completely responded to the Notification of Missing Requirements 35 U.S.C. § 371 in the United States Designated/Elected Office mailed October 30, 2001. Further, Applicants respectfully request that this communication and the above-identified documents be entered into the file of this application. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

It is believed that there is no fee required for filing this communication since this filing arises as a result of an error by the USPTO. However, if payment of a fee is required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: March 7, 2003

Anthony M. Insogna 35.203  
Anthony M. Insogna (Reg. No.)  
**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Attachments

By: Janifer J. Chedle  
Reg No. 46,617



## **EXHIBIT 1**



EXPRESS MAIL NO.: EL 477 037 498 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Santoro et. al.

Serial No.: 09/937,322

Attn: Mamie P. Person

Filed: September 21, 2001

Attorney Docket No.: 10167-013-999

For: CHEMICAL COMPOUNDS AND THEIR  
USESPETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 C.F.R. § 1.181(a)Box DAC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

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PETITIONS OFFICE

Sir:

Applicants hereby respectfully petition to withdraw a holding of abandonment as set forth in a Notice of Abandonment mailed on July 11, 2002 in connection with the above-identified application ("the '322 application") because the application was not abandoned in fact. If after due consideration, Applicants' request is denied, then Applicants petition to revive the '322 application under 37 C.F.R. § 1.137(b) as having been unintentionally abandoned.

A copy of the Notice of Abandonment ("Notice") issued by United States Patent and Trademark Office on July 11, 2002 is attached hereto (Exhibit A). The Notice asserts that a timely response to the Notification of Missing Requirements mailed October 30, 2001 was not received.

On October 30, 2001, the United States Patent and Trademark Office mailed a Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office in connection with the '322 application requiring submission of the oath or declaration of the inventors identifying the application by the international application number and the international filing date. The time for response was set to expire two (2) months from the date of the Notification of Missing Requirements, i.e., on December 30, 2001, extendible under 37 C.F.R. § 1.136 (a)(1) to April 30, 2002 if accompanied by a petition for extension of time and the fees set in 37 C.F.R. § 1.17 (a). In response to this Notification of



Missing Requirements, Applicants' representatives timely filed the following documents in the United States Patent and Trademark Office on December 20, 2001:

- (1) A Transmittal in Response to Notification of Missing Requirements;
- (2) a Declaration for Non-Provisional Patent Application executed by Maria Gabriella Santoro;
- (3) a Declaration for Non-Provisional Patent Application executed by Stanley Michael Roberts;
- (4) a Declaration for Non-Provisional Patent Application executed by Thierry Guyot; and
- (5) a copy of the Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office.

A copy of each of these documents is attached hereto as Exhibit B.

Further, in support of this assertion, enclosed is a copy of the Post-Card Receipt which was returned to Applicants' representatives stamped received by the United States Patent and Trademark Office on December 20, 2001, evidencing receipt by the United States Patent and Trademark Office of the listed document; and a copy of our log of Express Mail Certification for December 20, 2001, indicating that the response was deposited with the United States Postal Service on that date, using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EL 477 033 139 US. A copy of each of these documents is attached hereto as Exhibit C.

Applicants respectfully contend that the Notice of Abandonment dated July 11, 2002 was issued in error and that the holding of abandonment should be withdrawn. As demonstrated by the above-mentioned facts and accompanying Exhibits, a complete response to the October 30, 2001 Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office was timely filed within the six month statutory period for response. Clearly, there was no abandonment in fact.

In the event that the United States Patent and Trademark Office does not agree with Applicants' position, Applicants petition for revival of the application under 37 C.F.R. § 1.137(b). The facts establish, and it is hereby stated, that abandonment was unintentional. As explained herein, a response to the Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office dated October 30, 2001 was timely filed (Exhibit B) and received by the United States Patent and Trademark Office (Exhibits B and

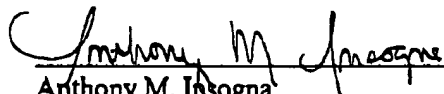


C). Consequently, if Applicants' request for withdrawal of abandonment is denied, this alternative request for revival under 37 C.F.R. § 1.137(b) should be granted.

It is believed that there is no fee required for Applicants' request for reconsideration, since the request arises as a result of an error by the United States Patent and Trademark Office. However, if payment of a fee is required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. In the event this paper is treated as a Rule 137(b) petition, please charge the required fee to the aforementioned deposit account. A copy of this sheet is enclosed for accounting purposes.

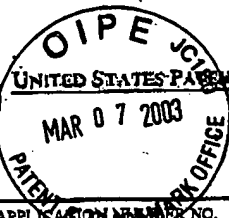
Respectfully submitted,

Date July 18, 2002

  
Anthony M. Insogna 35,203  
(Reg. No.)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas )  
New York, NY 10036  
(212) 790-9090





UNITED STATES PATENT AND TRADEMARK OFFICE

Contributions for Patent Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
uspto.uspto.gov

U.S. APPLICATION NUMBER NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/937,322 ✓		Santoro	10167-013-999 ✓
INTERNATIONAL APPLICATION NO.			
PCT/GB00/01086			
LA. FILING DATE		PRIORITY DATE	
03/22/2000			

**Anthony M. Insogna  
Pennie & Edmonds  
1155 Avenue of the Americas  
New York, NY 10036-2711**

**CONFIRMATION NO. 9500**

**371  
ABANDONMENT/TERMINATION  
LETTER**

\*000000008431116\*

Petition to Revoke: 9/11/02<sup>(F)</sup>

Date Mailed: 07/11/2002

## NOTIFICATION OF ABANDONMENT

**The United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has made the following determination:**

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS, mailed 10/30/2001 within the time period set therein.

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PETITIONS OFFICE

**Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.485, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.**

**MAMIE P PERSON**

**Telephone: (703) 305-3737**

**PART 1 - ATTORNEY/APPLICANT COPY**

**FORM PCT/DO/EO/909 (371 Abandonment Notice)**



Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

MAMIE P PERSON

Telephone: (703) 305-3737

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/937,322	PCT/GB00/01086	10167-013-999



**EXPRESS MAIL NO.: EL 477 033 139 US****PATENT IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Santoro et al.

Serial No.: 09/937,322

Group Art Unit: To Be Assigned

Filed: March 22, 2000

Examiner: To Be Assigned

For: **CHEMICAL COMPOUNDS AND THEIR USES** Attorney Docket No.: 10167-013-999**TRANSMITTAL IN RESPONSE TO  
NOTIFICATION OF MISSING REQUIREMENTS**Assistant Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231**FAX RECEIVED****MAR 07 2003****PETITIONS OFFICE**

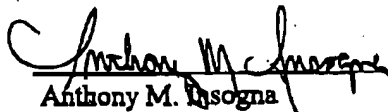
Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office, mailed October 30, 2001 (a copy of which is attached), Applicants submit herewith three counterparts of a Declaration For Non-Provisional Patent Application ("Declaration"), the first executed by Inventor Maria Gabriella Santoro, the second executed by Inventor Stanley Michael Roberts and the third executed by Inventor Thierry Guyot.

It is estimated that the fee for filing the Declarations for a small entity is \$65.00. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this paper is submitted herewith for accounting purposes.

Applicants respectfully request that the above-identified documents be made of record in the present application file.

Respectfully submitted,

Date December 20, 2001  
Anthony M. Insogna35.203  
(Reg. No.)**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosures



21-ZAN

Express Mail No.: EL 477 033 139 US

Date Mailed: December 20, 2001

Serial No.: 09/937.322 Filed: March 22, 2000

Inventor: Santoro et al.

For: CHEMICAL COMPOUNDS AND THEIR USES

*The stamp of the Patent Office hereon may be taken as an acknowledgment of the date stamped of the following:*

- (X) Transmittal in Response to Notification of Missing Requirements;
- (X) Declaration for Non-Provisional Patent Application Executed by Maria Gabriella Santoro;
- (X) Declaration for Non-Provisional Patent Application Executed by Stanley Michael Roberts;
- (X) Declaration for Non-Provisional Patent Application Executed by Thierry Guyot; and
- (X) a copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)

File No. 10167-013-999

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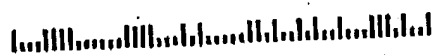
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**Date Mailed: July 18, 2002**  
**Serial No.: 09/937,322** **Filed: September 21, 2001**  
**Inventor: Santoro et al.**  
**For: CHEMICAL COMPOUNDS AND THEIR USES**

*The stamp of the Patent Office hereon may be taken as an acknowledgment of the date stamped of the following:*

- (X) Petition to Withdraw Holding of Abandonment;
- (X) Copy of Notice of Abandonment, attached as Exhibit A;
- (X) Copies of the following documents attached as Exhibit B:
  - (1) Transmittal in Response to Notification of Missing Requirements;
  - (2) Declaration for Non-Provisional Patent Application executed by Maria Gabriella Santoro;
  - (3) Declaration for Non-Provisional Patent Application executed by Stanley Michael Roberts;
  - (4) Declaration for Non-Provisional Patent Application executed by Thierry Guyot; and
  - (5) Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office; and
- (X) Copies of the following documents attached as Exhibit C:
  - (1) Post-Card Receipt stamped received by the United States Patent and Trademark Office on December 20, 2001
  - (2) Pennie & Edmonds' log of Express Mail Certification for December 20, 2001

**File No. 10167-013-999** **Sender: Insogna/DiCeglie**

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## **EXHIBIT 2**



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- Coverage extends to the actual value of the contents at the time of mailing, or the cost of repairs, not to exceed the limit fixed for the insurance coverage obtained.
- Items defined by postal regulations as "negotiable items" (items that can be converted to cash without resort to forgery), currency, or bullion are insured up to a maximum of \$15 per shipment.
- For International Express Mail shipments, insurance coverage may vary by country and may not be available to some countries. Indemnity is not paid for items containing coins, banknotes, currency notes (paper money), securities of any kind payable to the bearer, traveler's checks, platinum, gold, and silver (manufactured or not), precious stones, jewelry, and other valuable or prohibited articles.
- Items defined by postal regulations as nonnegotiable documents are insured against loss, damage, or rifling up to \$500 per shipment for document reconstruction, subject to additional limitations for multiple pieces lost or damaged in a single catastrophic occurrence. Document reconstruction insurance provides reimbursement for the reasonable costs incurred in reconstructing duplicates of negotiable documents mailed. Document reconstruction insurance coverage above \$500 per shipment is NOT available, and attempts to purchase additional document insurance are void.
- No coverage is provided for consequential losses due to loss, damage, or delay of Express Mail, or for concealed damage, spoilage of perishable items, and articles improperly packaged or too fragile to withstand normal handling in the mail.

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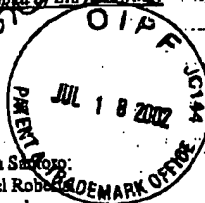
1. All claims for delay, loss, damage, or rifling must be made within 90 days of the date of mailing; for international, call 1-800-222-1811.
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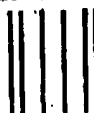
Express Mail No.: **EL 477 037 498 US** First Class Mail ( )  
 Date Mailed: **July 18, 2002**  
 Serial No.: **09/937,322** Filed: **September 21, 2001**  
 Inventor: **Santoro et al.**  
 For: **CHEMICAL COMPOUNDS AND THEIR USES**

*The stamp of the Patent Office hereon may be taken as an acknowledgment of the date stamped of the following:*

- (X) Petition to Withdraw Holding of Abandonment;  
 (X) Copy of Notice of Abandonment, attached as Exhibit A;  
 (X) Copies of the following documents attached as Exhibit B:  
   (1) Transmittal in Response to Notification of Missing Requirements;  
   (2) Declaration for Non-Provisional Patent Application executed by Maria Gabriella Santoro;  
   (3) Declaration for Non-Provisional Patent Application executed by Stanley Michael Robb;  
   (4) Declaration for Non-Provisional Patent Application executed by Thierry Guyot; and  
   (5) Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office; and  
 (X) Copies of the following documents attached as Exhibit C:  
   (1) Post-Card Receipt stamped received by the United States Patent and Trademark Office on December 20, 2001  
   (2) Pennie & Edmonds' log of Express Mail Certification for December 20, 2001



File No. **10167-013-999** Sender: **Insogna/DiCeglie**



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Pennie & Edmonds LLP  
 1155 Avenue of the Americas  
 New York, NY 10109-1441





#6

**Anthony M. Insogna  
Pennie & Edmonds  
1155 Avenue of the Americas  
New York, NY 10036-2711**

Date of Declaration  
12/30/01

CONFIRMATION NO. 9600  
371 FORMALITIES LETTER  
"00000000006976724"

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PETITIONS OFFICE

- U.S. Basic National Fees
- Indication of Small Entity Status
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement

REFERRED TO John  
REC'D  
NOV 07 2001  
Pennie & Edmonds  
O.K. for filing \_\_\_\_\_

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.138(a).



Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

MAMIE P PERSON

Telephone: (703) 305-3737

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/937,322	PCT/GB00/01086	10167-013-999



EL477033139US

DATE: DECEMBER 20, 2001THE EXPRESS MAIL NUMBER OF THE DAY IS: EL 477 033 139 USTHE PERSON TAKING EXPRESS MAIL  
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## EXPRESS MAIL CERTIFICATION

"Express Mail" label No. EL 477 033 139 US Date of Deposit  
DECEMBER 20, 2001 I hereby certify that the below-listed papers  
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Assistant  
Commissioner For Patents, Washington, D.C. 20231 and was  
deposited by me with the United States Postal Service "Express  
Mail Post Office Addressee" service under 37 C.F.R. 1.10 on  
the date indicated above.

Signature Anthony AliDate: 12-20-01

HINO	5868-018 (WA)	AMENDMENT IN RESPONSE TO AN OA DATED 8/29/01 WITH TWO EXHIBITS, PETITION FOR THE EXT OF TIME OF ONE MONTH FROM 11/29/01 TO 12/29/01 WITH DUPLICATE	/	OK
GAO	8005-016 (WA)	ISSUE FEE TRANSMITTAL COVER SHEET WITH COPY OF PART B	/	OK
RENFREW	9301-111 (WA)	ISSUE FEE TRANSMITTAL COVER SHEET WITH COPY OF PART B, SUBMISSION OF LARGE ENTITY STATUS	/	OK
CORUZZI CHHEDA	6923-054 (WA)	AMENDMENT IN RESPONSE TO AN OA DATED 6/20/01 WITH TWO EXHIBITS, PETITION FOR THE EXT OF TIME OF THREE MONTHS FROM 9/20/01 TO 12/20/01 WITH DUPLICATE	/	OK
BALDWIN	7969-089 (WA)	RESPONSE TO NOTICE TO COMPLY WITH SEQUENCE RULES DATED 11/25/01, COPY OF ORIGINAL NOTICE, SUBSTITUTE SEQUENCE LISTING	/	OK
ANTLER	9301-037 (WA)	ISSUE FEE TRANSMITTAL COVER SHEET WITH COPY OF PART B, SUBMISSION OF FORMAL DRAWINGS 8 SHEETS	/	OK
FRIEBEL THOMANN	9261-005 (WA)	RESPONSE TO NOTICE TO FILE MISSING PARTS DATED 11/8/01, COPY OF ORIGINAL NOTICE, EXECUTED DECLARATION AND SMALL ENTITY STATEMENT	/	OK



CORUZZI TSANG CHENG	8535-028 <i>changed 3/20/01 CW</i>	AMENDMENT IN RESPONSE TO AN OA DATED 6/22/01 WITH TWO EXHIBITS, NOTICE OF APPEAL, PETITION FOR THE EXT OF TIME OF THREE MONTHS FROM 9/22/01 TO 12/22/01 WITH DUPLICATE	<i>IL</i>
ANTLER TSANG	8449-081 <i>W</i>	SUPPLEMENTAL IDS WITH REVISED PTO FORM 1449 AND REFS CITED BY APPLICANT, SUBMISSION OF FORMAL DRAWINGS 1A TO 4B, AMENDMENT IN RESPONSE TO AN OA DATED 7/20/01 WITH FOUR EXHIBITS, PETITION FOR THE EXT OF TIME OF TWO MONTHS FROM 10/20/01 TO 12/20/01 WITH DUPLICATE	<i>IL</i>
INSOGNA CHHEDA DICEGLIE	10167-013 <i>W</i>	RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS DATED 10/30/01, COPY OF ORIGINAL NOTICE, THREE DECLARATIONS	<i>IL</i>
FAINBERG SHENTOV	7420-102- 888 <i>CW</i>	PROVISIONAL PATENT APPLN TRANSMITTAL COVER SHEET, APPLN OF 17 PGS 3 CLAIMS 3 DRAWINGS	<i>IL</i>
POISSANT THOMANN	8660-026 <i>W</i>	RCE REQUEST TRANSMITTAL, IDS WITH PTO FORM 1449 AND REFS CITED BY APPLICANT	<i>IL</i>
CORUZZI TSANG RYAN	10192-010	PROVISIONAL PATENT APPLN TRANSMITTAL COVER SHEET, SEQUENCE LISTING WITH COMPUTER READABLE, APPLN OF 120 PGS 3 DRAWINGS	<i>IL</i>

6:10 PM  
M. Ryan  
Retracted  
Patent Appl  
Will file on  
Friday  
2:30 PM  
2001

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